

Message Text

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ACTION L-03

INFO OCT-01 IO-13 ADP-00 COA-02 EB-11 OIC-04 JUSE-00 INT-08

COME-00 DOTE-00 NSF-04 OMB-01 TRSE-00 AGR-20 ACDA-19

AEC-11 CG-00 FMC-04 EPA-04 CEQ-02 SCI-06 CIAE-00

DODE-00 PM-07 H-03 INR-10 NSAE-00 NSC-10 PA-03 RSC-01

PRS-01 SS-15 USIA-12 AF-10 ARA-16 EA-11 EUR-25 NEA-10

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TO SECSTATE WASHDC 449

INFO USUN NEW YORK 9200

AMEMBASSY PARIS

AMEMBASSY MOSCOW

AMEMBASSY LONDON

AMEMBASSY TOKYO

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E.O. 11652: N/A

TAGS: PBOR, UN

SUBJ: LOS, SEABED COMTE MEETING SUBCOMTE II WORKING GROUP

JULY 12, 1973

1. SUMMARY: SUBCOMTE II WORKING GROUP OF WHOLE CONTINUED STRUCTURED DEBATE ON CONTINENTAL SHELF RIGHTS AND ECONOMIC ZONE. CONSIDERABLE ATTENTION WAS DEVOTED TO POSSIBILITY OF ACQUIRED RIGHTS BEYOND 200 MILES. US REP. SPOKE IN SUPPORT OF FIVE INTERNATIONAL ELEMENTS IN COASTAL SEABED RESOURCE AREA.

2. CHAIRMAN BEGAN BY OBSERVING THAT MAJORITY FAVORED DISTANCE OF 100 MILES FOR OUTERLIMIT OF CONTINENTAL SHELF AND ECONOMIC ZONE.FOR THOSE

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HURT BY THIS LIMIT, COMPENSATION HAD BEEN SUGGESTED THROUGH EITHER INTER-

NATIONAL AUTHORITY OR REGIONAL ARRANGEMENTS. CHAIRMAN APPEALED TO DELEGATES TO DEFINE ANY SUCH COMPENSATION IN CONCRETE TERMS TO FACILITATE HARMONIZATION OF VIEWS.

3. LIBERIA BELIEVED THAT INTERNATIONAL AUTHORITY SHOULD COMPENSATE COASTAL STATES IN APPROPRIATE MANNER OVER APPROPRIATE PERIOD FOR DIRECT INVESTMENTS MADE FROM WHICH INTERNATIONAL AUTHORITY RECEIVED BENEFITS. REP CONFESSED, HOWEVER, THAT HE WAS UNCLEAR ABOUT WHO WOULD BE ENTITLED TO RECEIVE COMEPNSATION AND WHAT COMPENSATION WAS FOR.

4. ROMANIA COULD ACCEPT DISTANCE CRITERION FOR SHELF LIMIT OF 150-200

MILES. REP WAS GREATLY CONCERNED ABOUT REGIME OF ISLANDS AND FELT THAT UNINHABITED ISLANDS WITHOUT ANY ECONOMY WHICH WERE FAR AWAY FROM MAINLAND TERRITORIAL SEA COULD NOT POSSESS THEIR OWN SHELF.

5. ZAMBIA DID NOT BELIEVE COASTAL STATES SHOULD HAVE ANY SEABED RIGHTS BEYOND 200 MILES. REP EXPRESSED DOUBT ABOUT NATURE AND CHARACTER OF COASTAL STATE RIGHTS WITHIN ZONE. PRELIMINARY VIEW WAS THAT THERE COULD BE PARTICIPATION AND SHARING OF BENEFITS AS WELL AS REGULATION IN ZONE (PRESUMABLY FOR LANDLOCKED STATES). REP SUGGESTED THAT INTERNATIONAL "CONTINENTAL" BODY MIGHT BE CREATED WHICH COULD BE IN FORM OF COMMISSION. ZAMBIA ALSO FELT THAT RIGHTS BASED SOLELY ON EXPLOITABILITY CRITERION OF SHELF CONVENTION WERE NOT LEGITIMATELY ENTITLED TO COMPENSATION.

6. VENEZUELAN REP (AGUILAR) EQUATED ECONOMIC ZONE WITH PATRIMONIAL SEA. IN HIS VIEW, CONTINENTAL SHELF CONCEPT WAS SEPARATE FROM PATRIMONIAL SEA AND WHEN CONTINENTAL SHELF EXTENDED BEYOND 200- MILE PATRIMONIALSEA, COASTAL STATES WERE ENTITLED TO RETAIN RIGHTS ALREADY ACQUIRED. REP STATED THAT COASTAL STATE DID NOT HAVE SOVEREIGNTY BUT HAD SOVEREIGN RIGHTS OVER RESOURCES OF THE ZONE(HE NOTED HERE THIS WAS VENEZUELA'S VIEW AND NOT NECESSARILY THAT OF OTHER CO-SPONSORS OF SANTA DOMINGO ARTICLES). THIS WAS ONE REASON FOR KEEPING CONCEPTS SEPARATE. HE NOTD THAT THIS WAS NO DRROGATION FROMCOMMON HERITAGE WHICH ONLY BEGAN BEYOND LIMITS OF NATIONAL JURISDICTION. REGARDING UNCLASSIFIED UNCLASSIFIED

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QUESTION OF COMPENSATION, HE BELIEVED THIS WAS FORMOF INDEMNIFICATION FOR LOSSES SUSTAINED WHICH STATES MIGHT ACCEPT IF ADVANTAGE GIVEN ELSEWHERE.

7. PERUVIAN REP SPOKE ONCONTINENTAL SHELF AND ACQUIRED RIGHTS. IF RIGHTS WERE LIMITED TO 200 MILES THEN SOME COASTAL STATES WOULD BE ASKED TO RENOUNCE RIGHTS ALREADY ACQUIRED. REP POINTED OUT THAT U.S. PRESIDENTIAL STATEMENT ON OCEANS POLICY HAD ASKED STATES TO RENOUNCE RIGHTS BEYOND 200 METER DEPTH. SOME COMPENSATION WOULD BE NECESSARY IF STATES WERE TO BE PERSUADED TO RENOUNCE SOVEREIGN

RIGHTS. SOVIET PROPOSAL FOR 500 METER/100MILE CRITERIA WAS INEQUITABLE BECAUSE SOVIETS WOULD HAVE CONTINENTAL SHELF RIGHTS WHICH EXTENDED FAR BEYOND 200 MILES.

8. U.S. REP (JOHN R. STEVENSON) COMPLIMENTED SUBCOMTE ON STRUCTURED DISCUSSION ADDRESSED TO SPECIFIC ISSUES. THIS WAS CRITICAL

TO A SUCCESSFUL CONFERENCE AND REAL PROGRESS WAS BEING MADE. REGARD-
ING CONTINENTAL SHELF AND ECONOMIC JURISDICTION, DISCUSSION HAD
FOCUSED ON BOUNDARY QUESTION AND THERE HAD BEEN LITTLE DISCUSSION ON
NATURE OF COASTAL STATE JURISDICTION. SCOPE OF DISCUSSION SHOULD
BE AMPLIFIED. THERE WAS LITTLE DISPUTE REGARDING EXCLUSIVITY OF
COASTAL STATE RIGHTS OVER MINERAL RESOURCES. UNLIKE FISHERIES THERE
WAS GENERAL AGREEMENT THAT COASTAL STATE JURISDICTION
SHOULD BE EXCLUSIVE. ONE DELEGATION HAD SUGGESTED GUARANTEEING RIGHTS

OF ACCESS TO THE COASTAL STATE RESOURCES BY OTHER COUNTRIES BUT THIS
WAS NOT GENERALLY SUPPORTED BY WG. QUESTION NOW WAS WHAT ARE
PROTECTIONS REGARDING NON-RESOURCE USES WHICH COASTAL STATES MIGHT
ACCEPT TO ACCOMMODATE OTHER
INTERESTS INVOLVED? SEPARATION OF ECONOMIC JURISDICTION FROM COASTAL
STATE CONTROL OVER OTHER USES WAS OPENING WEDGE TO GENERALLY ACCE-
PTABLE AGREEMENT. U.S. HAD SUGGESTED 5 ELEMENTS TO TAKE INTO ACCOUNT
OTHER USES. FIRST WAS ONE MOST GENERALLY RECOGNIZED AND REFLECTED IN
NUMBER OF OTHER PROPOSALS. THIS WAS PROTECTION OF NAVIGATION AND
OVER-FLIGHT. THIS SHOULD BE GENERALIZED TO PROVIDE PROTECTION FOR
OTHER NON-RESOURCE USES. SECOND ELEMENT WAS MINIMUM ENVIRONMENTAL
STANDARDS REGARDING EXPLOITATION OF CONTINENTAL SHELF MINERAL
RESOURCES. COMMITTEE WAS WELL AWARE THAT EXPLOITATION OF ONE
COUNTRY'S CONTINENTAL SHELF COULD ADVERSELY AFFECT OCEAN MANY MILES
AWAY AND THIS WAS OF CONCERN TO INTERNATIONAL

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COMMUNITY. MOREOVER FROM THE STANDPOINT OF FAIR COMPETITION IT WAS DESIRABLE TO HAVE BASIC MINIMUM STANDARDS TO WHICH ALL PRODUCERS WERE SUBJECT. THIRD ELEMENT WAS TO PROVIDE FOR STABILITY OF INVESTMENT IN AREA. SUCH STABILITY OFFERED BEST PROSPECT FOR PROMPT DEVELOPMENT OF CONTINENTAL MARGIN RESOURCES WHICH MIGHT BE ON BASIS OF ARRANGMENT WITH FOREIGN INVESTORS WITH CAPITAL AND KNOW-HOW. SINCE COASTAL STATE HAD EXCLUSIVE RIGHTS TO RESOURCES IT WOULD BE ENTIRELY UP TO COASTAL STATE WHETHER OR NOT IT WANTED FOREIGN INVESTMENT. NATURALLY, IT WOULD BE UP TO COASTAL STATE TO INSIST ON BEST TERMS IT COULD OBTAIN. BUT INJECTING STABILITY ONCE CONTRACTUAL ARRANGEMENTS NEGOTIATED WOULD BE BENEFICIAL TO ALL AND WOULD AVOID UNNECESSARY DISPUTES. FOURTH ELEMENT WAS DESIRABILITY OF COMPULSORY SETTLEMENT OF DISPUTES. IDEA AS TO PREVENT POLITICAL CONFRONTATION ON THE OCEANS AND TURN UNCLASSIFIED UNCLASSIFIED

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BITTER POLITICAL DISPUTES INTO ROUTINE LEGAL PROCEEDINGS. FIFTH ELEMENT WAS REVENUE SHARING. THIS WAS A FLEXIBLE CONCEPT FOR WHICH NO DELEGATION HAD SUGGESTED A SPECIFIC FORMULATION. THE CHAIRMAN AND OTHERS HAD TALKED IN TERMS OF COMPENSATION FOR LIMITING COASTAL STATE RIGHTS. REVENUE SHARING MIGHT BE VIEWED AS THE CONVERSE --GIVING COASTAL JURISDICTION WHICH THEY BELIEVED THEY HAD ACQUIRED UNDER CONTINENTAL SHELF CONVENTION AND TAKING CARE OF OTHER INTERESTS IN EQUITABLE FASHION. SETTLEMENT OF QUESTION OF COASTAL STATE ECONOMIC JURISDICTION MAY BE KEY TO ENTIRE CONFERENCE. IF REAL PROGRESS MADE ON THIS ISSUE WHICH WAS MORE IMPORTANT TO THE LARGER NUMBER OF STATES THAN ANY OTHER TOPIC, THIS SHOULD CONTRIBUTE TO SOLUTION CONCERNING CRITICAL PROBLEM IN NAVIGATION AND SEABED AREAS.

9. JAMAICA NOTED THAT EXPLOITABILITY CRITERION HAD BEEN FORMULATED BEFORE COMMON HERITAGE CONCEPT HAD EVOLVED. CONTINUATION OF EXPLOITABILITY CRITERION WOULD MAKE MOCKERY OF COMMON HERITAGE BECAUSE FEW RESOURCES WOULD BE LEFT FOR INTERNATIONAL COMMUNITY. REP DID NOT BELIEVE IT WAS HELPFUL FOR STATES TO ADHERE STRICTLY TO RIGHTS BASED ON EXPLOITABILITY CRITERION.

10. SOVIET UNION DID NOT BELIEVE IT WISE TO COUNT NUMBER OF STATES FAVORING 200 MILE CRITERION AS WG OPERATED ON BASIS ON CONSENSUS. CONTINENTAL SHELF RIGHTS WERE INHERENT AND RECOGNIZED BY INTERNATIONAL LAW. NEVERTHELESS, SOVIETS HAD PROPOSED 500 METER ISOBATH COMBINED WITH CRITERION OF 100 NAUTICAL MILES ALONG COASTS WITHOUT ANY CONTINENTAL SHELF. SOVIETS INDICATED THEY WERE PREPARED TO TAKE PART IN ANY OFFICIAL DRAFTING EFFORTS REGARDING OUTER BOUNDARY OF CONTINENTAL SHELF.

11. BELGIAN REP EXPRESSED DEEP DISAPPOINTMENT WITH FACT THAT COASTAL STATES WANTED MOST MEANINGFUL ECONOMIC AREAS. HE FEARED THERE WOULD BE NOTHING OF SIGNIFICANCE LEFT FOR INTERNATIONAL COMMUNITY AND HE WAS SAD BECAUSE SUBCOMTE HAD ORIGINALLY STARTED FROM SUCH BEAUTIFUL PREMISES.

12. URUGUAY ONCE AGAIN SPOKE IN FAVOR OF EXISTANCE OF RIGHTS BEYOND 200 MILES DUE TO NATURAL PROLONGATION OF LAND TERRITORY. THESE WERE PRE-EXISTING RIGHTS AND REP DISAGREED WITH AMB AGUILAR OF VENEZUELA BECAUSE THERE WAS UNITY OF CONTINENTAL SHELF AND OTHER RIGHTS WITHIN 200 MILE ZONE.

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13. ETHIOPIA SHARED APPREHENSION WITH BELGIUM REGARDING ENCROACHMENT UPON COMMON HERITAGE. URUGUAY HAD JUST EXPLAINED EXTENT TO WHICH ENCROACHMENT MIGHT GO. AFRICANS HAD EXPECTED SOME DISAGREEMENT ON BASIS 200 MILE DISTANCE WAS TOO GREAT. NOW THEY WERE BEING TOLD DISTANCE WAS TOO SMALL AND SOME STATES NEEDED EVEN MORE. REP BELIEVED DISTANCE CRITERIA SHOULD BE SUBSTITUTED FOR EXPLOITABILITY CRITERION IN SHELF CONVENTION THEREBY TREATING ALL COASTAL STATES EQUALLY.

14. SINGAPORE REP (CHAO) STATED THAT WG HAD HEARD HIGH IDEAL OF PROTECTING POOR AND WEAK STATES BUT NOW WAS ENGAGED IN GIVING MORE RIGHTS TO STATES ALREADY GENEROUSLY ENDOWED. CRY IN U.N. FOR A HAD BEEN TO BRIDGE GAP BETWEEN RICH AND POOR. WHAT WAS BEING SUGGESTED IN WG WAS TO FURTHER WIDEN GAP BETWEEN THOSE WELL-ENDOWED WITH MARITIME RESOURCES AND THOSE DISADVANTAGED.

15. MALTA NOTED SEVERAL LIMITING FACTORS IN CONTINENTAL SHELF CONVENTION DEFINITION. FIRST WAS THAT AREA MUST BE ADJACENT.

SECOND WAS THAT "ADMITS OF EXPLOITATION" WAS PHRASED IN PRESENT

TENSE AND THEREFORE TIED TO TECHNOLOGY AVAILABLE IN 1958. SOME HAD SAID THAT 1958 CONVENTION WAS BIGGEST LAND-GRAB OF CENTURY BUT, IN PHRASELOGY USED BY AMERICANS, WHAT WAS GOING ON IN THIS WG WOULD MAKE 1958 EFFORT LOOK LIKE CHICKEN FEED. PRINCIPLE OF COMMON HERITAGE WOULD BE DERPRIVEDOF MEANING IF NATIONAL INTERESTS WERE NOT RECONCILED WITH INTERESTS OF INTERNAIONAL COMMUNITY. COMMON HERITAGE SHOULD NOT BE VIEWED AS A MONSTER HANGING OVER WG BUT INSTEAD AS SOMETHING EVERYONE SHOULD WANT TO BRING TO LIFE.BASSIN

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